

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

MOUNTAIN VALLEY PIPELINE, L.L.C., : Civil Action No. 2:17-cv-04214

Plaintiff, :

vs. :

AN EASEMENT TO CONSTRUCT, :  
OPERATE AND MAINTAIN A 42-INCH :  
GAS TRANSMISSION LINE ACROSS :  
PROPERTIES IN THE COUNTIES OF :  
NICHOLAS, GREENBRIER, MONROE, :  
SUMMERS, BRAXTON, HARRISON, :  
LEWIS, WEBSTER, AND WETZEL, WEST :  
VIRGINIA, OWNED BY D. LANE :  
MCMILLION (PARCEL ID NO. 1-14-2, 1- :  
14-3.1, 1-14-3.3); D. LANE MCMILLION :  
AND DALE L. AND ALICIA D. :  
MCMILLION (PARCEL ID NO. 1-13-49, 1- :  
13-68); PACO LAND, INC. (PARCEL ID :  
NO. 1-18-69); BRIAN AND BETH :  
ARMSTRONG (PARCEL ID NOS. 1-18-86, :  
1-18-84); JERRY ALLEN AND MARY E. :  
HAMMONS (PARCEL ID NO. 1-24-35); :  
BRUCE A. & KIMBERLY ROBERTS :  
(PARCEL ID NO. 5-34-2); TODD E. WHITE :  
(PARCEL ID NO. 5-34-4); TAMARA L. :  
WHITE DELONG (PARCEL ID NO. 5-34- :  
4); VIRGINIA D. AND CONNIE :  
MCCLUNG (PARCEL ID NO. 1-24-7); :  
ARTIE ORLENA ROBINSON AND DAVID :  
LANE ROBINSON (PARCEL ID NO. 5-14- :  
22); QUINWOOD COAL COMPANY F/K/A :  
ALEX ENERGY, LLC F/K/A ALEX :  
ENERGY, INC. F/K/A GREEN VALLEY :  
COAL COMPANY, LLC (PARCEL ID NO. :  
5-15-28, 5-20-48, 11-30-19); ESTATE OF C. :  
L. KEENER (PARCEL ID NO. 11-22-75); :  
JAMES KEENER (PARCEL ID NO. 11-22- :  
75); JOHNNIE RAY KEENER, BRANDE :  
NICOLE KEENER, AND DAVID :  
HARMON (PARCEL ID NO. 11-22-75); :  
THOMAS KEENER (PARCEL ID NO. 11- :  
22-75); CLYDE FOX, MICHAEL FOX, :

NAOMI J. FOX, AND ROBERT W. FOX :  
 (PARCEL ID NO. 11-30-5); NAOMI J. AND :  
 ROBERT W. FOX (PARCEL ID NO. 11-30- :  
 5); REX COAL LAND COMPANY :  
 (PARCEL ID NO. 11-39-7); EUGENE RAY :  
 AND TINA ROBIN TUCKWILLER :  
 (PARCEL ID NO. 11-54-13); SILAS :  
 STEVEN AND LAUREL TUCKER :  
 (PARCEL ID NO. 11-54-12); JEFFREY :  
 DEWAYNE OSBORNE (PARCEL ID NO. :  
 11-68-33); RONALD AND ELISABETH :  
 TOBEY (PARCEL ID NO. 11-84-10); :  
 UNKNOWN HEIRS OF MARTHA I. :  
 KESSLER (PARCEL ID NO. 3-13-24); :  
 UNKNOWN HEIRS OF MARY L. :  
 SURBAUGH (PARCEL ID NO. 3-13-24); :  
 UNKNOWN HEIRS OF NORA E. :  
 VANDALL (PARCEL ID NO. 3-13-24); :  
 UNKNOWN HEIRS OF AZEL FORD :  
 ZICKAFOOSE (PARCEL ID NO. 3-13-24); :  
 UNKNOWN HEIRS OF JOSEPH ORVILLE :  
 ZICKAFOOSE (PARCEL ID NO. 3-13-24); :  
 UNKNOWN HEIRS OF ROBERT C. :  
 ZICKAFOOSE (PARCEL ID NO. 3-13-24); :  
 DOREEN S. ALLEN, FREDERECK M. :  
 OSBORNE, JO LYNN BLANKENSHIP, :  
 MICKEY D. OSBORNE, AND SCOTT S. :  
 OSBORNE (PARCEL ID NO. 11-68-10); :  
 DONNA M. HUFFMAN (PARCEL ID NO. :  
 09-13-10.1); NORVEL P. AND JEAN M. :  
 MANN, THOMAS B. AND HANNAH G. :  
 MANN, AND CHLODA CROSIER :  
 (PARCEL ID NO. 05-25-31.3); WILLIAM H. :  
 MANN, LUCY G. BOOTH, HARRY L. :  
 MANN, NANCY L. PHILLIPS, DONALD E. :  
 MANN, CARL E. MANN, LARRY W. :  
 MANN, AND BONNIE K. BARBERIE :  
 (PARCEL ID NO. 05-25-31.5); REBECCA :  
 K. BRAGG (PARCEL ID NO. 05-5-27); :  
 LANDCEY RAGLAND (PARCEL ID NO. :  
 05-14-1, 05-14-19.2, 05-14-24); JOHN :  
 WHITE, II (PARCEL ID NO. 05-14-21, 05- :  
 18-3.1, 05-19-11.2); PETRIE DOBBS :  
 BROWN (PARCEL ID NO. 05-18-3); :  
 ADDISON DUNLAP DOBBS AND LEE :  
 FILMORE DOBBS, III (PARCEL ID NO. :

05-18-3); OSCAR D. DARAGO (PARCEL  
 ID NO. 05-18-11); MAURY W. JOHNSON  
 (PARCEL ID NO. 05-19-8, 05-19-10);  
 MAURY W. JOHNSON, DAVID ALLEN  
 JOHNSON, WAYNE JOHNSON, AND  
 EVERETT JOHNSON, JR. (PARCEL ID  
 NO. 05-19-9); CLARENCE FRANK SILLS,  
 JR. AND KELLEY ANNE SANDELL SILLS  
 (PARCEL ID NO. 05-25-1, 05-25-1.6);  
 NORVEL P. AND JEAN M. MANN  
 (PARCEL ID NO. 05-25-32, 03-12-4.1);  
 JAMES O. GORE (PARCEL ID NO. 03-12-  
 7, 03-12-8); DAVID R. HUGHES (PARCEL  
 ID NO. 03-12-9); JAMES O. GORE, BARRY  
 G. AND LISA B. MEADOWS, AND ZANE  
 R. LAWHORN (PARCEL ID NO. 03-12-18);  
 JAMES ROBERT PERSINGER AND  
 LILLIAN SUE PERSINGER (PARCEL ID  
 NO. 03-12-19); STEPHEN C. AND LORRIE  
 P. BROYLES (PARCEL ID NO. 05-31-25.3);  
 TRUSTEE OF THE PAULETTE A. SEARS  
 FAMILY TRUST (PARCEL ID NO. 03-18-  
 32, 03-18-4); MELANIE J. MILLER  
 (PARCEL ID NO. 03-18-8, 03-18-9, 03-18-  
 10); ANNE C. CHAMBERS, EXECUTRIX  
 OF THE ESTATE OF THOMAS P. LONG  
 (PARCEL ID NO. 03-18-23.3); CAROL M.  
 AND KENNETH L. VASS (PARCEL ID  
 NO. 03-18-23.4); CYNTHIA A. BROYLES  
 MORRIS, TRUSTEE OF THE WILLIAM S.  
 BROYLES REVOCABLE TRUST AND  
 THE VIRGINIA B. BROYES REVOCABLE  
 TRUST (PARCEL ID NO. 03-24-39); ROY  
 P. AND JOYCE A. REESE (PARCEL ID  
 NO. 03-30-20); TRUSTEE OF THE LACY  
 H. TONEY FARM TRUST (PARCEL ID  
 NO. 03-30-18); MOUNTAIN LAIR, LLC  
 (PARCEL ID NO. 03-30-38); DENNIS F.  
 AND CARLA D. FOUNTAIN (PARCEL ID  
 NO. 05-19-36, 05-19-24); NORVEL P. AND  
 JEAN M. MANN AND THOMAS B. AND  
 HANNAH G. MANN (PARCEL ID NO. 05-  
 25-31.4, 05-25-31.1); THOMAS E. AND  
 ROSETTA B. TONEY AND AUSTIN B.  
 TONEY (PARCEL ID NO. 03-12-6);  
 DANNY SPENCE, JR., ADMINISTRATOR

OF THE ESTATE OF DANNIE LEE :  
SPENCE (PARCEL ID NO. 03-12-17); :  
LAURA BOWEN-COFFELT, TRUSTEE OF :  
THE SUSAN H. LEEPER (A/K/A ELLA :  
SUSAN HOUCINS) REVOCABLE LIVING :  
TRUST (PARCEL ID NO. 09-17-10); :  
MONTE G. AND ELORA C. MCKENZIE :  
(PARCEL ID NO. 09-17-21); EARL C. AND :  
PATRICIA J. WILLIAMS (PARCEL ID NO. :  
05-25-1.13); ROGER D. AND REBECCA H. :  
CRABTREE (PARCEL ID NO. 03-30-18.8); :  
RODGER L. AND MARJORIE BOOTHE :  
(PARCEL ID NO. 03-18-3); CHERYL :  
BOWERS (PARCEL ID NO. 03-18-11); :  
BONNIE LAREW WALSH, GLADYS :  
LAREW CARTER, JAMES TULLY :  
LAREW, AND JANET LAREW HAAG :  
(PARCEL ID NO. 05-14-25); ALLAN :  
WALTER LEHR (PARCEL ID NO. 3-12- :  
22); HEIRS OF J.H. HARRAH (PARCEL ID :  
NO. 3-12-23); IRA HICKMAN HARRAH, :  
JR. (PARCEL ID NO. 3-18-15); RICHARD :  
AND ANNE M. BERKLEY (PARCEL ID :  
NO. 7-4-20); CONNIE HARPER (PARCEL :  
ID NO. 7-4-19); MELISSA A. LESLIE :  
(PARCEL ID NO. 7-4-19); ANTHONY D. :  
RICHMOND (PARCEL ID NO. 7-4-19); :  
DENNIS WAYNE RICHMOND (PARCEL :  
ID NO. 7-4-19); RHONDA RICHMOND, :  
ADMINISTRATOR OF THE ESTATE OF :  
ROGER L. RICHMOND (PARCEL ID NO. :  
7-4-19); SANDRA RICHMOND (PARCEL :  
ID NO. 7-4-19); ERVIN E. RICHMOND :  
(PARCEL ID NO. 7-4-19); GERALD K. :  
RICHMOND (PARCEL ID NO. 7-4-19); :  
JESSE JAMES RICHMOND (PARCEL ID :  
NO. 7-4-19); CAROLYN S. WALLS :  
(PARCEL ID NO. 7-4-19); RICHARD :  
DEAN WARD (PARCEL ID NO. 7-4-19); :  
KERRY N. AND CHERYL L. BOONE :  
(PARCEL ID NO. 7-7-27.2); ASHBY A. :  
AND EMMA JEAN BOONE AND :  
DOROTHY MARIE BOONE FOGLE :  
(PARCEL ID NO. 7-7-27.3); ROBERT M. :  
JARRELL (PARCEL ID NO. 7-11-15); :  
MARK GREY SMITH (PARCEL ID NO. 7- :

15A-5); ORUS ASHBY BERKLEY :  
 (PARCEL ID NO. 7-15A-13, 7-15A-13.1); :  
 TAMMY A. CAPALDO AND CAITLYN A. :  
 GRAGG (PARCEL ID NO. 7-15-125); :  
 GENE AND PHYLLIS M. WISEMAN, :  
 TRUSTEES OF THE WISEMAN LIVING :  
 TRUST (PARCEL ID NO. 7-15-25); :  
 ROBERT JACKSON HOLT (PARCEL ID :  
 NO. 3-23-16, 3-23-12, 3-23-15); PHILIP J. :  
 HARRAH (PARCEL ID NO. 3-23-12.3, 3- :  
 23-12.4); REINHARD BOUMAN AND :  
 ASHOFTEH ASSAD-BOUMAN (PARCEL :  
 ID NO. 3-18-17, 3-23-12.2, 3-23-24, 3-18-16, :  
 3-23-12.5); MEADOW CREEK COAL :  
 CORPORATION (PARCEL ID NO. 7-4- :  
 20.1); KIRANASA SWAMI (PARCEL ID :  
 NO. 3-18-17.1); DANNY R. AND :  
 GREGORY L. BERRY (PARCEL ID NO. 7- :  
 15-80.7-80.13); LC MILLER, JR (PARCEL :  
 ID NO. 7-13D-11); JAMES R. MILLER :  
 (PARCEL ID NO. 7-13D-11); CHARLES D. :  
 SIMMONS ESTATE, SHARON D. :  
 SIMMONS, ADMINISTRATRIX (PARCEL :  
 ID NO. 7-13D-11, 7-13D-15); JOSHUA D. :  
 SIMMONS AND JERRY L. CANNADY :  
 (PARCEL ID NOS. 7-13D-11, 7-13D-15); :  
 BRYAN SIMMONS (PARCEL ID NO. 7- :  
 13D-11); JOSHUA SIMMONS (PARCEL ID :  
 NO. 7-13D-11); RED HAWK TRUST :  
 (PARCEL ID NO. 7-13E-10); WILLIAM G. :  
 LLOYD (PARCEL ID NO. 7-12F-11); :  
 JAMES MCALLISTER (PARCEL ID NO. 7- :  
 13F-2); HILRY GORDON (PARCEL ID NO. :  
 14-123-41); CHAD W. JOHNSON (PARCEL :  
 ID NO. 14-163-86); MARTHA JEAN :  
 KOTSCHENREUTHER, KAREN JEAN :  
 KOTSCHENREUTHER, AND ELSA LYN :  
 KOTSCHENREUTHER (PARCEL ID NO. :  
 14-163-86); ESTATE OF BARBARA JUNE :  
 REGER (PARCEL ID NO. 14-163-86); :  
 BARRY G. PALLAY (PARCEL ID NO. 18- :  
 242-23.1); ADAM L. MATHENY (PARCEL :  
 ID NO. 18-282-108); GLENN D. :  
 MATHENY, II (PARCEL ID NO. 18-282- :  
 108); CHARLES F. CHONG AND :  
 REBECCA ANN ENEIX-CHONG (PARCEL :

ID NO. 18-322-14); COURTNEY CECIL :  
 AND STACEY POSTUS (PARCEL ID NO. :  
 18-321-40); CLIFFORD S. AND LAURA :  
 CLEAVENGER (PARCEL ID NO. 18-321- :  
 40); TERESA D ERICKSON, POA FOR :  
 GERALD WAYNE CORDER (PARCEL ID :  
 NO. 20-362-20); LORENA B. KRAFFT, :  
 POA FOR RANDALL N. CORDER :  
 (PARCEL ID NO. 20-362-21); KINCHELOE :  
 MITIGATION HOLDINGS LLC (PARCEL :  
 ID NO. 20-421-8, 20-421-5, 20-421-4, & 20- :  
 421-6, 03-4A-27 & 03-4A-29); DANNY :  
 AND TINA MARTIN (PARCEL ID NO. 18- :  
 321-40.5, 18-321-41); GARY CASTO, :  
 SHARON CASTO, AND AVERAL TODD :  
 CASTO (PARCEL ID NO. 02-4J-39.1); :  
 ARTHUR C. AND JUDY D. ROBERTS :  
 (PARCEL ID NO. 02-4L-19, 02-4L-12); :  
 FRED L. GOLDEN (PARCEL ID NO. 01- :  
 4M-10, 01-4M-10.1); SHERMAN AND :  
 MARY GAMBLE (PARCEL ID NO. 01-5P- :  
 5); DAVID FINSTER (PARCEL ID NO. 02- :  
 4L-16); DONALD J. FINSTER AND PAUL :  
 W. FINSTER (PARCEL ID NO. 02-4L-16); :  
 DANA M. FINSTER (PARCEL ID NO. 02- :  
 4L-25); LEONARD G. FINSTER, JR. :  
 (PARCEL ID NO. 02-4L-25); VENICE :  
 EILEEN FINSTER (PARCEL ID NO. 02-4L- :  
 25); DIANA WIMER (PARCEL ID NO. 02- :  
 4L-25); BRIAN AND HELEN MONTAGUE :  
 VAN NOSTRAND (PARCEL ID NO. 6-6D- :  
 10); GEORGE ERNEST BRIGHT (PARCEL :  
 ID NO. 6-6E-1); TRUSTEE OF THE JOHN :  
 A. BRIGHT REVOCABLE LIVING TRUST :  
 (PARCEL ID NO. 6-6E-1); WILLIAM :  
 TOWNSEND BRIGHT (PARCEL ID NO. 6- :  
 6E-1); WILLIAM H. BROWN, JR. :  
 (PARCEL ID NO. 6-6E-1); WILLIAM B. :  
 MORRISON AND ROBERT J. MORRISON, :  
 TRUSTEES UNDER THE WILL OF A. L. :  
 MORRISON FOR THE BENEFIT OF C. F. :  
 MORRISON, HELENA M. BERRY, :  
 HERMAN R. MORRISON, MARTHA M. :  
 COOPER, RUTH M. WARD, MABEL M. :  
 LEWIS, WILLIAM B. MORRISON, AND :  
 ROBERT J. MORRISON (PARCEL ID NO. :

6-6E-1); MARY E. SEBRING (PARCEL ID :  
NO. 6-6E-1); MEGANN M. SHEPPARD :  
(PARCEL ID NO. 6-6E-1); JESSE FRANK :  
WILLIAMS IV OF THE WMS :  
WVMINERALS TRUST (PARCEL ID NO. :  
6-6E-1); ICG EASTERN, LLC (PARCEL ID :  
NO. 4-4P-01, 4-4Q-13.1, 4-4Q-15, 4-4Q-16); :  
WESTERN POCAHONTAS PROPERTIES :  
LIMITED PARTNERSHIP (PARCEL ID :  
NO. 6-5F-1, 1-31-10, 1-30-8, 5-26-2); DALE :  
EASTHAM, TRAVIS EASTHAM, :  
ANDREW FAIRBANKS, BRENT :  
FAIRBANKS, DAVID FAIRBANKS, :  
MICHAEL FAIRBANKS, EDWARD :  
CHARLES SMITH, SR., EDWARD :  
CHARLES SMITH, II, TODD EDWARD :  
SMITH, AND JEREMY COLLINS :  
(PARCEL ID NO. 04-14-39.3); NANCY :  
JANE SHEWMAKE BATES (PARCEL ID :  
NO. 04-35-11); JOHN H. AND PAMELA J. :  
MELVIN (PARCEL ID NO. 04-29A-1.14); :  
and UNKNOWN PERSONS AND :  
INTERESTED PARTIES, :

Defendants. :

## **COMPLAINT**

Pursuant to its power of eminent domain as authorized by the Natural Gas Act, 15 U.S.C. §§ 717-717z and Federal Rule of Civil Procedure 71.1, plaintiff Mountain Valley Pipeline, L.L.C. (“MVP”) files this Complaint to condemn property interests necessary for the construction, operation, and maintenance of an interstate pipeline and associated appurtenances necessary for its operation (the “MVP Project”) across properties in the counties of Greenbrier, Monroe, Nicholas, Summers, Braxton, Harrison, Lewis, Webster, and Wetzel, West Virginia owned by defendants D. Lane McMillion; D. Lane McMillion and Dale L. and Alicia D. McMillion; Paco Land, Inc.; Brian and Beth Armstrong; Jerry Allen and Mary E. Hammons, Bruce A. & Kimberly Roberts; Todd E. White; Tamara L. White Delong; Virginia D. and Connie McClung; Artie Orlena Robinson and David Lane Robinson; Quinwood Coal Company f/k/a Alex Energy, LLC f/k/a Alex Energy, Inc. f/k/a Green Valley Coal Company, LLC; Estate of C. L. Keener; James Keener; Johnnie Ray Keener, Brande Nicole Keener, and David Harmon; Thomas Keener; Clyde Fox, Michael Fox, Naomi J. Fox, and Robert W. Fox; Naomi J. and Robert W. Fox; Rex Coal Land Company; Eugene Ray and Tina Robin Tuckwiller; Silas Steven and Laurel Tucker; Jeffrey Dewayne Osborne; Ronald and Elisabeth Tobey; Unknown Heirs of Martha I. Kessler; Unknown Heirs of Mary L. Surbaugh; Unknown Heirs of Nora E. Vandall; Unknown Heirs of Azel Ford Zickafoose; Unknown Heirs of Joseph Orville Zickafoose; Unknown Heirs of Robert C. Zickafoose; Doreen S. Allen, Fredereck M. Osborne, Jo Lynn Blankenship, Mickey D. Osborne, and Scott S. Osborne; Donna M. Huffman; Norvel P. and Jean M. Mann, Thomas B. and Hannah G. Mann, and Chloda Crosier; William H. Mann, Lucy G. Booth, Harry L. Mann, Nancy L. Phillips, Donald E. Mann, Carl E. Mann, Larry W. Mann, and Bonnie K. Barberie; Rebecca K. Bragg; Landcey Ragland; John White, II; Petrie Dobbs Brown;



Addison Dunlap Dobbs and Lee Filmore Dobbs, III; Oscar D. Darago; Maury W. Johnson; Maury W. Johnson, David Allen Johnson, Wayne Johnson, and Everett Johnson, Jr.; Clarence Frank Sills, Jr. and Kelley Anne Sandell Sills; Norvel P. and Jean M. Mann; James O. Gore; David R. Hughes; James O. Gore, Barry G. and Lisa B. Meadows, and Zane R. Lawhorn; James Robert Persinger and Lillian Sue Persinger; Stephen C. and Lorrie P. Broyles; Trustee of The Paulette A. Sears Family Trust; Melanie J. Miller; Anne C. Chambers, Executrix of the Estate of Thomas P. Long; Carol M. and Kenneth L. Vass; Cynthia A. Broyles Morris, Trustee of the William S. Broyles Revocable Trust and the Virginia B. Broyles Revocable Trust; Roy P. and Joyce A. Reese; Lacy H. Toney, Trustee of the Lacy H. Toney Farm Trust; Mountain Lair, LLC; Dennis F. and Carla D. Fountain; Norvel P. and Jean M. Mann and Thomas B. and Hannah G. Mann; Thomas E. and Rosetta B. Toney and Austin B. Toney; Danny Spence, Jr., Administrator of the Estate of Dannie Lee Spence; Laura Bowen-Coffelt, Trustee of the Susan H. Leeper (a/k/a Ella Susan Houcins) Revocable Living Trust; Monte G. and Elora C. McKenzie; Earl C. and Patricia J. Williams; Roger D. and Rebecca H. Crabtree; Rodger L. and Marjorie Boothe; Cheryl Bowers; Bonnie Larew Walsh, Gladys Larew Carter, James Tully Larew, and Janet Larew Haag; Allan Walter Lehr; Heirs of J.H. Harrah; Ira Hickman Harrah, Jr.; Richard and Anne M. Berkley; Connie Harper; Melissa A. Leslie; Anthony D. Richmond; Dennis Wayne Richmond; Rhonda Richmond, Administrator of the Estate of Roger L. Richmond; Sandra Richmond; Ervin E. Richmond; Gerald K. Richmond; Jesse James Richmond; Carolyn S. Walls; Richard Dean Ward; Kerry N. and Cheryl L. Boone; Ashby A. and Emma Jean Boone and Dorothy Marie Boone Fogle; Robert M. Jarrell; Mark Grey Smith; Orus Ashby Berkley; Tammy A. Capaldo and Caitlyn A. Gragg; Gene and Phyllis M. Wiseman, Trustees of the Wiseman Living Trust; Robert Jackson Holt; Philip J. Harrah; Reinhard Bouman and Ashofteh Assad-Bouman; Meadow Creek

Coal Corporation; Kiranasa Swami; Gregory L. Berry; LC Miller, Jr; James R. Miller; Charles D. Simmons Estate, Sharon D. Simmons, Administratrix; Sharon G. Simmons, Administratrix of the Charles D. Simmons Estate; Bryan Simmons; Joshua Simmons; Joshua D. Simmons and Jerry L. Cannady; Red Hawk Trust; William G. Lloyd; James McAllister; Hilry Gordon; Estate of Barbara June Reger; Barry G. Pallay; Adam L. Matheny; Glenn D. Matheny, II; Charles F. Chong and Rebecca Ann Eneix-Chong; Courtney Cecil and Stacey Postus; Clifford S. and Laura Cleavenger; Teresa D Erickson, POA for Gerald Wayne Corder; Lorena B. Krafft, POA for Randall N. Corder; Kincheloe Mitigation Holdings LLC; Danny and Tina Martin; Gary Casto, Sharon Casto, and Averal Todd Casto; Arthur C. and Judy D. Roberts; Fred L. Golden; Sherman and Mary Gamble; David Finster; Donald J. Finster and Paul W. Finster; Dana M. Finster; Leonard G. Finster, Jr.; Venice Eileen Finster; Diana Wimer; Brian and Helen Montague Van Nostrand; George Ernest Bright; Trustee of The John A. Bright Revocable Living Trust; William Townsend Bright; William H. Brown, Jr.; William B. Morrison and Robert J. Morrison, Trustees under the Will of A. L. Morrison for the benefit of C. F. Morrison, Helena M. Berry, Herman R. Morrison, Martha M. Cooper, Ruth M. Ward, Mabel M. Lewis, William B. Morrison, and Robert J. Morrison; Mary E. Sebring; Megann M. Sheppard; Jesse Frank Williams IV of the WMS WVMinerals Trust; ICG Eastern, LLC; Western Pocahontas Properties Limited Partnership; Dale Eastham, Travis Eastham, Andrew Fairbanks, Brent Fairbanks, David Fairbanks, Michael Fairbanks, Edward Charles Smith, Sr., Edward Charles Smith, II, Todd Edward Smith, and Jeremy Collins; Nancy Jane Shewmake Bates; John H. and Pamela J. Melvin and Unknown Persons and Interested Parties (the “Landowners”).

On October 13, 2017, the Federal Energy Regulatory Commission (“FERC”) determined that the MVP Project is in the public interest and issued an Order granting a Certificate of Public

Convenience and Necessity for the construction, operation, and maintenance of the MVP Project, which includes approximately 303 miles of new 42-inch-diameter natural gas pipeline, three new compressor stations, four new meter and regulation stations and interconnections, and other appurtenances. The MVP Project seeks to help meet the public's demand for natural gas in the Mid- and South Atlantic regions of the United States by providing transportation of natural gas from the Marcellus and Utica Shale Formations in central Appalachia. The pipeline will be capable of transporting at least two million dekatherms per day of natural gas. Construction of the pipeline and appurtenant natural gas facilities of the MVP Project as certificated by the FERC requires easements for permanent and exclusive rights-of-way, access road rights-of-way, temporary construction rights-of-way, and temporary workspace rights-of-way across certain properties located in multiple counties in West Virginia. Accordingly, it is necessary for MVP to acquire temporary and permanent easements across those properties. The specific properties, Landowners, and the specific rights-of-way condemned on each property are identified in **Exhibit A**. Condemnation is necessary because MVP has been unable to negotiate mutually agreeable easement agreements with the Landowners. In support of its Complaint, MVP states:

### **JURISDICTION AND VENUE**

1. This Court has subject matter jurisdiction over this action pursuant to the condemnation authority in Section 7(h) of the Natural Gas Act, 15 U.S.C. § 717f(h) and federal question jurisdiction, 28 U.S.C. § 1331.
2. The Landowners contend, or are expected to contend, that the value of the property interests condemned exceeds \$3,000.
3. Venue is proper pursuant to 28 U.S.C. § 1391(b) because properties to be condemned are located within the Southern District of West Virginia.

### THE AUTHORITY TO CONDEMN

4. MVP is a joint venture between EQT Midstream Partners, L.P.; NextEra US Gas Assets, LLC; Con Edison Gas Midstream, LLC; WGL Midstream; and RGC Midstream, LLC. MVP is a “natural gas company” within the meaning of Section 2(6) of the Natural Gas Act, 15 U.S.C. § 717a(6).

5. On October 13, 2017, the FERC issued a Certificate of Public Convenience and Necessity to MVP for the construction, operation, and maintenance of the MVP Project, which includes approximately 303 miles of new 42-inch-diameter natural gas pipeline from Wetzel County, West Virginia to Pittsylvania County, Virginia, three new compressor stations, four new meter and regulation stations and interconnections, and other appurtenances. *See* FERC Certificate, attached as **Exhibit B**.

6. The MVP Project seeks to help meet the public’s demand for natural gas in the Mid- and South Atlantic regions of the United States by providing transportation of natural gas from the Marcellus and Utica Shale Formations in central Appalachia. The pipeline will be capable of transporting at least two million dekatherms per day of natural gas.

7. To construct the MVP Project as certificated by the FERC, it is necessary for MVP to acquire easements for permanent and exclusive rights-of-way, access road rights-of-way, temporary construction rights-of-way, and temporary workspace rights-of-way across the properties in the counties of Greenbrier, Monroe, Nicholas, Summers, Braxton, Harrison, Lewis, Webster, and Wetzel, West Virginia identified in **Exhibit A**.

8. MVP made offers to the Landowners to acquire the necessary property rights for easements across the properties identified in **Exhibit A**, but has been unable to acquire those property rights by agreement from the Landowners.

9. Pursuant to Section 7(h) of the Natural Gas Act, 15 U.S.C. § 717f(h), MVP has the right to acquire the necessary property interests described below to construct, operate, and maintain the MVP Project.

#### **THE EASEMENTS TO BE TAKEN**

10. In accordance with the FERC Certificate Order, MVP condemns necessary temporary and permanent access easements, temporary and permanent workspace and additional workspace easements, temporary and permanent anode bed easements, and easements for permanent and exclusive rights-of-way on and across properties of Landowners as described herein and shown on the maps/plats attached as **Exhibit C**.

11. The easements may include, as more specifically identified on the map/plat for each property:

- a. Permanent and exclusive rights-of-way of 50 feet in width to construct, operate, protect, maintain, replace, repair, remove, or abandon the pipeline and appurtenant equipment and facilities;
- b. Ingress to and egress from the rights-of-way by means of the permanent and temporary access roads, which MVP may construct, improve, maintain, or replace as necessary or convenient;
- c. The right of ingress and egress to, from, on, and across the permanent and exclusive rights-of-way to access other properties or sections of the pipeline and appurtenant equipment and facilities.
- d. Temporary and permanent workspace and additional workspace;
- e. Temporary and permanent anode bed easements and workspace; and

f. The right to clear trees, brush, or other vegetation as necessary or convenient for the safe and efficient construction, operation, or maintenance of the pipeline or access roads.

12. The pipeline, except for risers, valves, drips, hydrate removal systems, line markers, cathodic protection, and test standards, and other appurtenant equipment and facilities reasonably required, shall be buried so as not to interfere with the cultivation of the land. The Landowners may fully use and enjoy the premises to the extent that such use and enjoyment does not interfere with or obstruct MVP's rights described herein. The Landowners shall not, without the prior written consent of MVP: (a) change the depth of cover over the permanent and exclusive rights-of-way for the installed pipeline, (b) place or permit to be placed any temporary or permanent structure or obstruction of any kind, including but not limited to buildings, swimming pools, sheds, paved roadways, concrete pads or sidewalks, mobile homes, trees, telephone poles or wires, electric poles or wires, water or sewer lines, meters or utility boxes, or the like on or over the permanent and exclusive rights-of-way for the installed pipeline; (c) store any materials of any kind on the rights-of-way or operate or allow to be operated over the rights-of-way any heavy machinery or equipment that is in excess of 40,000 pounds or that may damage the pipeline or its appurtenant equipment or facilities; or (d) permit the rights-of-way to be covered by standing water, except in the course of normal seasonal irrigation.

#### **THE PROPERTY OWNERS**

13. Upon information and belief, and after a reasonably diligent search of public records, the individuals claiming an interest in the property rights being condemned are identified in **Exhibit A**.

**OTHERS WHO MAY CLAIM AN INTEREST**

14. There may be other persons who claim an interest in the property rights being condemned whose names are unknown to MVP because their identities could not be learned by diligent inquiry. These persons have been made parties to this action as permitted by Rule 71.1 of the Federal Rules of Civil Procedure.

WHEREFORE, MVP requests that this Court:

- a. Enter an Order granting MVP the property rights described above;
- b. Grant MVP immediate access and entry on the above described easements prior to the determination of just compensation upon the posting of an appropriate bond;
- c. Determine and award just compensation to the Landowners for the taking of the temporary and permanent easements; and
- d. Grant such other relief as may be just and proper.

October 24, 2017

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